

REMARKS

Claims 1 and 3-11 are currently pending in the present application. Claim 1 is the only independent claim. Claims 12 and 13 have been cancelled without prejudice. In addition, the present amendment has been made in response to a notice of non-responsive amendment dated January 22, 2007.

Specifically referring to the Office Action, the title of the invention has been objected to because it is not commensurate in scope with the claimed subject matter. According to the Office Action, a new title is required that is indicative of the invention to which the claims are directed. In response thereto and pursuant to the suggestion set forth in the Office Action, the title of the present application has been amended to "Treatment of Neuropathic Pain." Reconsideration of the objection is respectfully requested.

Claims 7 and 9 have been objected to under 37 C.F.R. § 1.75 as being a substantial duplicate of claims 12 and 13, respectively. In response thereto and pursuant to suggestions set forth in the Office Action, claims 12 and 13 have been cancelled from the present application. As a result, the objections over the claims have been overcome. Reconsideration of the objections is respectfully requested.

Claims 1 and 3-13 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent Number 6,803,387. In response thereto and pursuant to 37 C.F.R. § 1.321, a terminal disclaimer is included herewith in order to overcome the rejection. As a result, reconsideration of the rejection is respectfully requested.

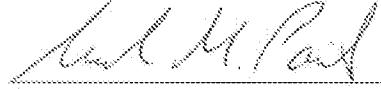
Claims 1 and 3-13 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2-13 of copending U.S. Patent Application Number 10/979,596. In response thereto and pursuant to 37 C.F.R. § 1.321, a terminal disclaimer is included herewith in order to overcome the rejection. As a result, reconsideration of the rejection is respectfully requested.

In summary, the present amendment places the present application in condition for allowance, which allowance is respectfully requested. If any remaining issues exist, Applicants respectfully request to be contacted through the undersigned below.

The Commissioner is hereby authorized to charge any additional Filing Fees required under 37 CFR §1.16, as well as any patent application processing fees under 37 CFR §1.17 associated with this communication for which full payment had not been tendered, to Deposit Account No. 01-0025.

Respectfully submitted,
Mendel, et al.

ABBOTT LABORATORIES
Customer Number 23492
Telephone: (847) 935-8337
Facsimile: (847) 938-2623


Andrew M. Parial
Registration No. 50,382
Attorney for Applicants